

**York Planning Board  
Thursday, October 23, 2014, 7:00 P.M.  
York Public Library**

**Call to Order, Determination of Presence of Quorum; Appointment of Alternates**

Chairman Al Cotton called the meeting to order at 7:09. A quorum was determined with four people voting: Chairman Al Cotton, Vice Chairman Peter Smith, Lew Stowe, and Amy Phalon, who came in at 8:15 and was asked to vote as a full member. Todd Frederick was absent. Town Planner Dylan Smith represented staff. Patience Horton took minutes.

**Public Forum**

No one came forward to speak.

**Minutes**

The Minutes from Thursday, October 9 were reviewed and amendments were requested.

- **Motion:** Peter Smith moved we accept the Minutes as amended. Lew Stowe seconded. The motion passed, 3-0.

**Field Changes**

There were no field changes.

**The May 2015 Special General Referendum**

**Amendment 1. Artisanal Food and Beverage Ordinance**

**Amendment 2. Outside Display Along Route One**

**Amendment 3. Sign Standards (Digital Display)**

**Amendment 4. Match Density and Minimum Lot Size**

**In Watershed Protection Overlay District**

**Amendment 5. Food Trucks/Venders**

**Amendment 6. Variance Requirements**

**(Definitions for Variance in State) Article 2 and 18**

**Amendment 7. Gen-3 District**

**Amendment 8. Building Height within Coast Areas**

**Discussion:**

**1) Artisanal Food and Beverage Ordinance**

Dylan Smith described artisan food as a hybrid between restaurant and manufacturing uses. This use does not open the door for franchises. Formulaic restaurants are still pro-

hibited. The State takes most of the role in making inspections and granting certifications. The CEO is the health inspector, though the Town Manager once was.

Dylan Smith: Restaurants are an allowable use in BUS-1, provided the food and beverage are only for consumption upon the premises. Take out will not be allowed. Specialty food and beverage can be sold on a wholesale/retail basis and consumed on the premises. Those two definitions can be put together on the same allowable use and not conflict.

Dylan Smith will apply the changes he made to Amendments 4, Use Regulations, handed out to the Board this evening. He will post this as a hearing for the December work session.

## **2. Outside Display Along Route One.**

The sunset clause is a provision of §6.3.27.2. It prohibits the display of outdoor merchandise on June 20, 2015, unless the clause is eliminated. Dylan Smith: The outside display standards are working and do not have to be eliminated with a sunset clause. The Code office has had very few complaints. The ordinance seems to be working.

The Board will hold a hearing for this amendment in November.

## **3. Sign Standards (Digital Displays throughout Town?)**

The Board discussed digital signs that are prohibited per §16.9. Speaking about the layout of the ordinance on the “page,” Dylan Smith suggested directly following §16.4 (what is permitted) with §16.9. The information would then be in the best place for the reader to understand. The ordinance would not be changed.

The Board will hold a hearing for this amendment in November.

## **4. Match Density and Minimum Lot Size in Watershed Protection Overlay District**

Dylan Smith: In the GEN-2 Zone, there is an allowance such that three homes could be on a three-acre size lot. This amendment makes one unit dwelling per lot per 10 acres. This is to assure that the 10-acre minimum lot size density requirements of the watershed overlay district are consistent within the underlying district.

The Board will hold a hearing for this amendment in November.

## **5. Food Trucks**

Dylan Smith: There have been inquiries at Town Hall about licensing for food trucks. There are different possibly ways to license food trucks. Licensing could be permitted by area. Licenses could only go to non-profits initially. Maybe a certain number of permits could be given in any given year, whether non-profits or not. Would there be re-

strictions from existing restaurants? By definition, how would trucks be different than food stands?

Lew Stowe: It is something the Selectmen should put on their agenda and get input from the public. The Selectmen could then give the Planning Board direction to develop the ordinance. It is a complicated matter and will most likely go on the November, 2015, ballot, not May.

## **6. Variance Requirements (Definitions for Variance in State Statute) Article 2 and 18**

Dylan Smith: This amendment is a change to the Zoning Ordinance to match State standards of variances. The Town laws have to match the definition of the variance definition under State Statute. It is more or less of a simple cut and paste. The variances seem very similar and, in some cases, match. Section 18.8.2 should be cross-referenced with the State.

Amy Phalon: [Reading from State Statute] The municipality may in the zoning ordinance adopt additional limitations with regard to the variance including, but not limited to, provisions where a variance may be granted only for a use permit in a particular zone.

Amy: There are more standards, such as 18.8.2.4, Full Granting of Variance of Property Located in the Shoreland, that have additional standards and procedures that need to be looked at more closely.

Lew Stowe: about 86% of the people in York who are applying for variances are on small lots and on the Nubble. The majority do not get accepted.

Dylan Smith recommended looking into this at the November work session.

## **7. Gen-3 District (What to do?)**

Lew Stowe: Zoning has to be in agreement with the Comprehensive Plan. The first thing when changing zoning is to see that it agrees with the Comprehensive Plan. The Comp Plan doesn't follow zones. It follows general areas. Locations are approximated. Comp Plan changes can be done at the same time that zoning changes are made, but in this case the outcome is good if uses are applied.

Amy Phalon and Lew Stowe have formed a GEN-3 work group with the Town Planner.

## **Amendment 8**

Building Height within Coastal Areas

Dylan Smith: This is the growth area where there are high densities. Sewer and Water are required in the Comp Plan. In dealing with density, do you want to go up or out?

Right now there are smaller lots with buildings 28 feet or 3 ½ stories high (whichever comes first).

Dylan read from **Article 17. The Vertical Expansion of Non-confirming Principle Structures.** “§17.2.1.2. In a non-conforming situation, in no case can a vertical expansion result in a structure height greater than that of the average height of the adjacent principle structures. The adjacency shall be considered by the rear and side lot lines within a radius of 125-feet from the boundary.”

Amy Phalon described the floor/area ratio. A house has a ratio of floor space to lot size and that can relate to building height. Dylan: The ratio approach lends itself to narrow buildings. The ratio method promotes open space on a lot, like in an urban area where there might be more open space on a lot.

## **Other Business**

- Board training date—December Work Session
- Dylan Smith: Southern Maine Planning District Commission (SMPDC) works in concert with Community Development and the Planning Board. They have been contracted to separate the Site Plan Regulations from the Subdivision Regulations, a task that is greatly needed but one Steve Burns and Dylan Smith do not have time to do. The contractual fee is \$10,500. It will be done in one phase.

**Motion:** Peter Smith moved that we authorize the Town Planner to contract with SMDPC to separate the site plan regulations from the subdivision regulations for the Town of York. Seconded by Amy Phalon, the motion passed unanimously.

- **Motion:** Lew Stowe made the motion that the Chairman sign the Findings of Fact for **Lisa Martel Foundation Replacement, Tax Map 0021, Lot 0058.** Seconded by Amy Phalon, the motion passed unanimously.

## **Adjourn**

9:40